

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DWAYNE E. HEAD,

Petitioner,

v.

// CIVIL ACTION NO. 1:14CV144
(Judge Keeley)

R.A. PURDUE,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 17]

The pro se petitioner, Dwayne E. Head ("Head"), filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2241, alleging that the federal Bureau of Prisons ("BOP") had violated his procedural and substantive due process rights through a disciplinary hearing that resulted in the loss of fourteen days of good conduct time. He further alleges that the BOP held the disciplinary hearing in the wrong venue. The respondent, R.A. Purdue ("Purdue"), subsequently moved for dismissal or summary judgment.

On May 26, 2015, the Honorable John S. Kaull, United States Magistrate Judge, entered a report and recommendation ("R&R"), in which he concluded that the BOP had not violated Head's rights, and the venue of the disciplinary hearing was appropriate. Accordingly, Judge Kaull recommended that Purdue's motion be granted and that Head's petition be denied and dismissed with prejudice. Head does not object to Judge Kaull's conclusions or recommendation.

ORDER ADOPTING REPORT AND RECOMMENDATION

"[I]n the absence of objections, the Court must 'satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Villanueva v. River, No. 5:12CV564, 2012 WL 2500962, at *1 (D.S.C. June 28, 2012) (quoting Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)). After carefully reviewing the R&R, the Court is satisfied that it is not clearly erroneous. Head's allegations regarding his due process and substantive due process rights, as well as venue, are without merit. Therefore, the Court **ADOPTS** the R&R, **GRANTS** Purdue's motion, and **DENIES** and **DISMISSES WITH PREJUDICE** Head's petition.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record and to the pro se petitioner, certified mail, return receipt requested. The Clerk is further directed to enter a separate judgment order and to remove this case from the active docket.

DATED: July 20, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE